EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Randy Palmer on 8/10/2009.

The application has been amended as follows:

Claims 1-16 and 30-40 are canceled.

Claim 17 changed to:

One or more processor-accessible storage media encoded with processor-executable instructions that, when executed, direct a system to perform actions comprising:

transmitting a send request from a first device to a second device, the send request designating a destination client and stipulating a media data portion;

ranking the send request based on an associated unique priority of the send request, wherein the associated unique priority is calculated by determining whether a plurality of devices store the media data portion, and wherein the associated unique priority is set to a lower priority if there is more than one device that stores the media data portion, and wherein the priority is set to a higher priority if there is only a single device that stores the media data portion, and wherein if none of the plurality of devices that store the media data portion would send the media data portion if all of the plurality

of devices that store the media data portion were considered when calculating the

priority, then selecting a single device [[of]] from the ~~multiple~~ plurality of devices that

store the media data portion and calculating the priority based on the selected single

device;

ascertaining a threshold priority based on the ranking and responsive to a send

bandwidth; and in response to determining that the associated unique priority of the

send request is greater than the threshold priority, honoring the send request by

sending from the second device to the destination client the stipulated media data

portion in response to the send request, wherein the first device is not the destination

client.

Reasons for Allowance

The following is a statement of reasons for the indication of allowable subject

matter: The prior art does not disclose the coordinating the scheduling of media

transmission from multiple different devices to a destination device with the use of

ranking a send request based on a unique priority associated therewith and further

calculating a threshold based on the ranking along with a send bandwidth where the

send request is honored with respect to the unique priority of the send request being

above the calculated threshold. Particularly the prior art does not disclose where the

ranking is determined by the amount of devices capable of sending the media data,

where the priority is lower the more devices that store the media data capable of

sending and further does not disclose the following excerpted from independent claim 17 "*wherein if none of the plurality of devices that store the media data portion would send the media data portion if all of the plurality of devices that store the media data portion were considered when calculating the priority, then selecting a single device from the plurality of devices that store the media data portion and calculating the priority based on the selected single device*", describing that when calculating priority with regards to multiple devices capable of sending given none of the devices would honor the request when, priority is calculated subsequently as if a single device is capable of sending whereby one of the devices of the multiple devices previously considered is selected for the recalculation.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK P. STANLEY whose telephone number is (571)270-3757. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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